

Exhibit D

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

MDL No. 2419
Dkt. No. 1:13-md-2419 (FDS)

THIS DOCUMENT RELATES TO:

Suits Naming Saint Thomas Outpatient
Neurosurgical Center, LLC

MDL ORDER No. ____
BELLWETHER SELECTION AND CASE-SPECIFIC DISCOVERY
FOR THE SAINT THOMAS-RELATED DEFENDANTS

I. Selection of Initial Trial Pool and First Bellwether Trials

| Event | Deadline |
|--|-----------------|
| The Parties shall meet and confer regarding whether bellwether trials are appropriate in this MDL, and if they cannot agree, the Parties will file briefs outlining their respective positions for decision by the Court. | |
| If bellwether trials are determined to be appropriate, the Plaintiffs shall select ____ cases and Defendants shall select ____ cases as potential bellwether trial candidates subject to case-specific discovery ("Initial Trial Pool Cases"). Initial Trial Pool Case selections shall be exchanged in writing with opposing counsel. | |
| Only cases involving administration of NECC's methylprednisolone acetate from June 1, 2012, to September 30, 2012, in which a Short Form Complaint was filed in the MDL are eligible to be selected as Initial Trial Pool Cases. | |
| After being selected into the Initial Trial Pool, the Parties shall be permitted to conduct Case-Specific discovery. ¹ | |
| If any Initial Trial Pool Cases is settled or dismissed for any reason, with or without prejudice, a replacement Initial Trial Pool Case shall be selected by the opposing party to be approved by the Court. | |

¹ A future Case Management Order will address Case-Specific discovery in more detail.

| | |
|---|--|
| The Parties will meet and confer on a process for choosing the First Bellwether Trials from the Initial Trial Pool Cases | |
| The Court will select the order in which the First Bellwether Trials will be tried and/or remanded and designate the first cases to be tried and/or remanded. | |
| The parties will file a Notice of Position on Venue and <i>Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach</i> , 523 U.S. 26 (1998), with the Court. | |

SO ORDERED:

Honorable F. Dennis Saylor IV
United States District Judge

_____, 2014